



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Avante International Systems Corporation

File: B-227951

Date: July 17, 1987

DIGEST

Protest against the cancellation of a solicitation issued to award a cooperative agreement, not significantly controlled by procurement statutes and regulations, will not be considered where the protester has neither alleged nor shown that a contract rather than a cooperative agreement should have been used or that a conflict of interest was involved.

DECISION

Avante International Systems Corporation protests the cancellation of a solicitation issued by the Minority Business Development Agency, Department of Commerce, for the award of a cooperative agreement for the operation of the Minority Business Development Center in McAllen, Texas.

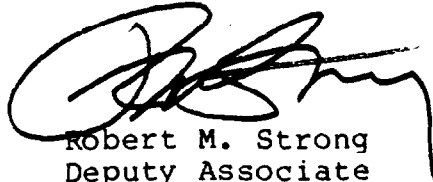
We dismiss the protest.

We generally do not review protests concerning the award of cooperative agreements, unless there is some showing that the agency is using a cooperative agreement where a contract is required, that is, the agency is using the cooperative agreement award process to avoid the competitive requirements of procurement laws, or that a conflict of interest exists. Management Development Group, 64 Comp. Gen. 669 (1985), 85-2 CPD ¶ 34. We limit our review because the award of cooperative agreements is not significantly controlled by statutes and regulations having the force and effect of law as in the award of procurement contracts, and our involvement would result in interference with the administration by executive branch agencies of their financial assistance programs. Id. Avante has not alleged or shown that a cooperative agreement was contemplated instead of a contract to avoid competitive requirements of procurement laws, or that a conflict of interest exists.

Since the protest does not concern a solicitation which is subject to the procurement statutes and regulations, there is no basis for consideration of the protest under our Bid Protest Regulations, 4 C.F.R. part 21 (1986). Management Development Group, 64 Comp. Gen. 669, supra.

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The protest is dismissed, and the claim for bid preparation costs and the costs of filing and pursuing the protest is denied.



Robert M. Strong
Deputy Associate
General Counsel